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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,703	10/15/2004	Yasuhiro Kondo	257290US6PCT	9870

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EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/510,703	Applicant(s) KONDO, YASUHIRO	
	Examiner David D. Davis	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Ohira et al (US 4,642,713). As per claim 1, Applicant's Admitted Prior Art (AAPA) shows in figure 4 a tape guide mechanism of a magnetic recording and reproducing apparatus that includes a movable chassis 1 having a tape guide arm member 20 on which a tape guide 17 is erected. Figures 1-3 shows a pair of reels stands 3 & 4 on movable chassis 1 and a fixed chassis 2 having a magnetic rotary head 8 thereon in which when the movable chassis 1 moves to one position of the fixed chassis 2, loading and unloading of a cassette 18 is performed.

When the movable chassis 1 moves to the other position, a magnetic tape 19 is taken out from the reel of the loaded cassette 18 to perform tape loading of the magnetic tape 19 being wound around the magnetic rotary head 8. After completing the tape loading, the tape guide is fixed to a predetermined position. In the middle of the tape guide 17 traveling to the predetermined position, the tape guide arm member 20 is made to move along a groove 23 provided in the fixed chassis 2 to determine the position in the chassis plane direction and is guided and moved by the projections provided on the lower surface of the tape guide arm member 20 to determine the position in the height direction.

As per claim 2, figure 3 shows the tape guide 17 is fixed to a predetermined position by arrangement of tension of the magnetic tape 19 loaded onto the tape guide 17.

AAPA, however, is silent as to a guide receiving member having a guide receiving portion that is provided on the fixed chassis to receive the tape guide.

Ohira et al shows in figure 1 a guide receiving member having a guide receiving portion that is provided on the fixed chassis to received the tape guide.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the tape guide mechanism of a magnetic recording and reproducing apparatus of AAPA with a guide receiving member having a guide receiving portion that is provided on the fixed chassis to received the tape guide as taught by Ohira et al.

The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a tape guide mechanism of a magnetic recording and reproducing apparatus with a guide receiving member having a guide receiving portion that is provided on the fixed chassis to received the tape guide “for positioning the loading pole” or tape guide. See column 8, lines 27-32.

Allowable Subject Matter

3. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive. Applicant asserts the following in fifth paragraph on page 6:

The applied prior art does not teach or suggest that in the middle of the tape guide traveling to a predetermined position, the tape guide arm member is made to move along a groove provided in the fixed chassis to determine the position in the chassis plane direction and is guided and moved by the projections provided on a lower surface of the tape guide arm member to determine the position in the height direction, as claimed in claim 1.

As stated supra . . .

In the middle of the tape guide 17 traveling to the predetermined position, the tape guide arm member 20 is made to move along a groove 23 provided in the fixed chassis 2 to determine the position in the chassis plane direction and is guided and moved by the projections provided on the lower surface of the tape guide arm member 20 to determine the position in the height direction.

This positional difference of the tape guide 17 and arm 20 is shown in figures 1 and 2.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David D. Davis
Primary Examiner
Art Unit 2627

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